

REMARKS

Claims 1-18 are pending in the application. Claims 1-18 are rejected. The Applicants filed a Preliminary Amendment on October 22, 2002 to amend the title to "A Simulation System for a Simulation Engine with a Help Website and Processing Engine."

The Applicant thanks the Examiner for accepting non-US patent literature cited in an IDS filed on January 23, 2004, withdrawing objections to the drawings, withdrawing the claim objection, and accepting the substitute specification. The Applicant also acknowledges the scheduling of a telephonic interview with the Examiner on Tuesday, June 29, 2004 to discuss the rejections of the IDS related to US Patents.

Specification Objections

The abstract was included in the application as filed. However, the abstract was reformatted to be consistent in format with the specification. The reformatted abstract appears on page 68 of the substitute specification as filed in the response to the previous Office Action. Thus, the Applicant requests for withdrawal of the objection to the specification.

Claim Rejections – 35 USC §112

Claims 1 and 10 are rejected by the Office Action under 35 U.S.C. 112, first paragraph as failing to comply with the written description requirement. The Office Action alleges that "the applicant has deliberately set up software commonality among individual participants. Such commonality will allow for similar (identical) student activity which, of course, would mean the progress of a student would not be different (independent) from that of another student. Superficial effects such as coloring of the walls or skin of the computer are not relevant to a utility patent. To one of ordinary in the art, independence means that there is no correlation. Similarity means that there will be substantial correlation...no independence." Claim 1 includes the feature of "monitoring progress of a student toward the goal and providing feedback that further assists the student in accomplishing the goal, **the progress being independent of an activity of another student**". (Emphasis added.) "The words of a claim must be given their 'plain meaning' unless they are defined in the specification". (MPEP §2111.01.) The common meaning of "independent" is "free from the influence, guidance, or control of another or others;

self-reliant: an independent mind; not determined or influenced by someone or something else; not contingent: an independent study of air pollution”. (The American Heritage Dictionary, Second College Edition, Houghton Mifflin Company, page 654.) The Office Action alleges that “software commonality will allow for similar (identical) student activity”. In the context of the plain meaning of “independent”, the Applicant disagrees. The present patent application, for example, teaches (Abstract. Emphasis added.):

The system utilizes an artificial intelligence engine driving **individualized** and dynamic feedback with synchronized video and graphics used to simulate real-world environment and interactions. Multiple "correct" answers are integrated into the learning system to allow **individualized** learning experiences in which navigation through the system is at a **pace controlled by the learner**. A website is linked to the presentation to provide context-sensitive information to assist the learner.

Different students typically exhibit different student activity because the skills, needs, and capabilities of students may vastly differ. Even though a learning system may utilize software commonality, different student activity may result in different interaction between the learning system and the student. Moreover, because the learning system allows for individualized learning experiences, the progress of one student is independent of the progress of another student. Similarly, claim 10 includes the feature of “logic that monitors progress of a student toward the goal and provides feedback that further provides the student assistance in accomplishing the goal, the progress being independent of an activity of another student”. The Applicant respectively submits that claims 1 and 10 comply with 35 U.S.C. 112, first paragraph and requests for reconsideration.

Claim Rejections – 35 USC §102

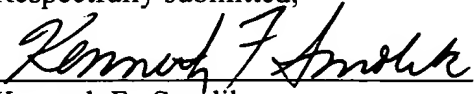
Claims 1-18 are rejected by the Office Action under 35 USC 102(e) as being anticipated by Brown (US Patent No. 6,210,272). The Office Action alleges that “As stated above and indicated in the applicants specification at pg. 7, lines 16-33, the applicant undertakes very specific efforts to provide commonality of activity (experience) and hence there isn’t any independence...the activities correlate.” (Page 6, paragraph 4.) However, as discussed above, the present patent application discloses a “learning system to allow individualized learning” in which progress of one student is independent of the progress of another student. Claim 1, as previously amended, includes the feature of “monitoring progress of a student toward the goal and

providing feedback that further assists the student in accomplishing the goal, **the progress being independent of an activity of another student**". (Emphasis added.) Brown, however, does not teach or even suggest this feature. For example, Brown teaches about "Setting a common goal, such as maintaining good health in a particular way of **correlating the outcomes of two player's** actions in order to encourage cooperation and communications between the players. Another unique way of correlating the outcomes of the actions of two or more players is based on what is generally known as the Prisoner's Dilemma." (Column 5, lines 61-67. Emphasis added.) Brown teaches about "cooperation and discussion between game players by correlating the player's progress toward achieving their game objective". (Column 2, lines 11-13.) In fact, rather than having independence between players, Brown teaches away from independence and teaches about dependence between players. Clearly, Brown does not teach or even suggest the feature of "monitoring progress of a student toward the goal and providing feedback that further assists the student in accomplishing the goal, the progress being independent of an activity of another student". Similarly, claim 10, as amended, includes the element having "logic that monitors progress of a student toward the goal and provides feedback that further provides the student assistance in accomplishing the goal, the progress being independent of an activity of another student." Claims 2-9 and 11-18 depend from claims 1 and 10 and are allowable for at least the above reasons. Thus, the Applicant requests reconsideration of claims 1-18.

CONCLUSION

All objections and rejections have been addressed. Hence, it is respectfully submitted that the present application is in condition for allowance, and a notice to that effect is earnestly solicited.

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